

November 8, 2011

Regulation Package # 0911-07

CDSS MANUAL LETTER NO. CWS-11-03

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

**Regulation Package # 0911-07**

**Effective 10/31/11**

**Section 31-502**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG603.htm>.

Section 31.502.42 was corrected to ensure compliance with Welfare and Institutions Code Section 10850.4(e)(1)(B).

The Department processed this change under the California Code of Regulations (CCR), Title 1, Section 100, because the change makes the regulation consistent with Welfare and Institutions Code Section 10850.4(e)(1)(B) and does not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision. For that reason, a public hearing was not necessary.

**FILING INSTRUCTIONS**

**Revisions to all manuals are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-11-02.

Page(s)

Replace(s)

110.4 and 110.5

Pages 110.4 and 110.5

Attachment

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<b>31-502</b>	<b>CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS</b>	<b>31-502</b>
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(Continued)

- (k) Records of any training completed by the foster parent(s), if in the case record.
  - (l) If licensing records pertaining to the foster parent(s) are not contained in the child's case record, the county shall release the documents and information specified in Sections 31-502.341(a) through (k) that are available within the case record and direct the requesting party to the appropriate licensing agency for any additional information or documents. For licensing/approval files maintained by the county, the county shall forward that part of the request to the appropriate county custodian of records.
- .35 When a child fatality has occurred as a result of abuse and/or neglect by a non-residential licensed child care provider, the county shall direct any public request to the appropriate licensing department or agency that has jurisdiction over the facility.
- .4 The county shall redact information that is privileged, confidential, or not subject to disclosure prior to public release.

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**HANDBOOK BEGINS HERE**

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- .41 This section does not apply to those entitled to unredacted records; for example, Welfare and Institutions Code Section 4903 states that counties are required, in some circumstances, to release information without redactions to the protection and advocacy agency in California.

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**HANDBOOK ENDS HERE**

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- .42 After consultation with the District Attorney, if the release of specific information would jeopardize a criminal investigation or proceeding, that information shall be redacted prior to release.
- .43 If disclosure of information about a child, including the deceased child or any sibling of the deceased child, as listed in Sections 31-502.331(a) through (g) and Sections 31-502.341(a) through (k), may be detrimental to the well-being of another child, counsel for that child may petition the juvenile court to prevent the release of any document or part of a document requested pursuant to Welfare and Institutions Code Section 827.
  - .431 To comply with federal law, 42 USC 5106, the county shall release the SOC 826 form, whether or not a petition has been filed in the juvenile court.
  - .432 Only information or documents that may pose potential detriment to a child who is directly or indirectly connected to the case, as found by the juvenile court, shall be redacted.

<b>31-502</b>	<b>CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS</b>	<b>31-502</b>
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(Continued)

- .44 Information that shall be redacted includes:
  - .441 Names, except that the name of a county or state department or agency shall not be redacted.
  - .442 Addresses, except that the address of a county or state department or agency shall not be redacted.
  - .443 Telephone numbers, except that the public telephone number of a county or state department or agency shall not be redacted.
  - .444 Ethnicity.
  - .445 Religion.
  - .446 Social Security numbers or referral/case identifiers.
  - .447 Any other identifying information of any person or institution, other than the county or state department or agency information indicated in Sections 31-502.441, .442 and .443.
- .45 The county shall adhere to all laws that govern confidentiality of the release of information.

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**HANDBOOK BEGINS HERE**

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- .451 The following are examples of state laws and rules and are not intended to be an exhaustive list of such laws and rules.
  - (a) Family Code Sections 3041.5, 3111, and 7643
    - (1) Family Code Section 3041.5 provides for alcohol and drug testing in judicial proceedings concerning custody, visitation, and guardianship. The results of such tests are confidential and shall be redacted.
    - (2) Family Code Section 3111 provides for confidential child custody evaluation reports in cases of contested child custody and contested visitation rights. For example, one family member may object to visits from another family member. Documents from such cases are in the files of the Superior Court, or the Juvenile Court. If such evaluation reports are found in the case record, they shall be redacted.

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**HANDBOOK CONTINUES**

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